

ways and motor buses substituted therefor are hereby authorized to continue to distribute and sell electricity and/or gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor buses, or both, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HEAD, Chairman.

Committee Room,

Austin, Texas, April 2, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 443 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas; April 2, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 422 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### FIFTY-SECOND DAY.

(Tuesday, April 6, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

The following Senator was absent and excused:

Brownlee.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

#### Leave of Absence Granted.

Senator Brownlee was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

#### Reports of Standing Committees

Reports on Senate Bills Nos. 32, 435, 196, 446, 452, 453, 454, 455 and on House Bills Nos. 277, 440, 280, 597, 254, 861, 130, and 936, were submitted by the chairmen of the several committees to which they were referred.

(See appendix for reports in full.)

#### Memorial.

Senator Pace submitted a memorial of the Security League of Smith County, Texas, relative to payment of old-age pensions, which was read to the Senate, and referred by the President to the Committee on State Affairs.

#### Senate Bills on First Reading.

The following (local) bills were introduced, read first time and referred respectively to the Committee on Counties and County Boundaries, and the Committee on Educational Affairs:

By Senator Spears:

S. B. No. 454, A bill to be entitled "An Act providing for the appointment of Grand Jury Bailiffs by the Judge of the Criminal District Court in any county having a population of not less than two hundred and ninety thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000) inhabitants, according to the United States Census of 1930 and all future Federal Census, etc. and declaring an emergency."

By Senator Roberts:

S. B. No. 455, A bill to be entitled "An Act validating the detachment

of certain territory from Orangedale Common School District No. 23 of Bee County and the annexation of same to the Beeville Independent School District of said county, pursuant to the provisions of Chapter 339, Acts of the 44th Legislature, Regular Session; validating an election held in said Orangedale Common School District No. 23 on the 19th day of December, 1936, to determine whether or not said territory should be detached from said Orangedale Common School District No. 23 and annexed to Beeville Independent School District; validating an order of the County Board of School Trustees of Bee County, Texas, establishing and defining the Beeville Independent School District No. 1; validating an election held on the 3rd day of April, 1937, in Beeville Independent School District No. 1 on the question of the assumption of the outstanding bonds of the former Beeville Independent School District and the proportionate part of the outstanding bonds of Orangedale Common School District No. 23; and declaring an emergency."

Senator Cotten moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The following bill was then introduced, read first time and referred to the Committee on Finance:

By Senator Cotten:

S. B. No. 456, A bill to be entitled "An Act providing relief for the Brownsboro Independent School District of Henderson County, Texas, in replacing furniture and other fixtures destroyed by a disastrous fire on February 5, 1936; making an appropriation for said district to replace said furniture and other fixtures, and declaring an emergency."

#### Senate Resolution No. 62.

Senator Hill offered the following resolution:

Whereas, By Constitutional Amendment the people of the State of Texas extended the Regular Session of the Legislature from two to four months, and divided the time so as to permit a reasonable period for the introduction of bills, a reasonable time for committee consideration thereof and one-half the time for consideration on the floor and debate of the bills introduced and passed by Committee, and

Whereas, the prime objective of the legislative session is to pass legislation for the benefit of the people and to meet the needs of the State, and

Whereas, approximately three-fourths of the present session has expired and there remains a vast number of bills not considered by committee and the calendar of the Senate is hopelessly crowded and clogged and much legislation of vital interest and material welfare to the people of Texas remains undisposed of; now, therefore, be it

Resolved, By the Senate of the State of Texas, That for the remainder of this Regular Session we continue in session throughout the entire day and discontinue the practice of having committee meetings during the day, and that hereafter all necessary committee work be done at night, or after adjournment; and be it further

Resolved, That we immediately adopt the practice of having special night sessions for the consideration and passage of local and non-contested bills to the end that the calendar can be cleared of such bills and more time given for the consideration of major measures.

The resolution was read.

Senator Hill moved that the regular order of business be suspended, to permit consideration of the resolution at this time.

Senator Rawlings raised the point of order: That the motion to suspend may not be made until the morning call has been completed.

The President sustained the point of order.

The resolution was then transmitted to the President's table.

#### Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 359, "An Act giving to W. N. Smith, for himself, and as next friend of Carl Smith, minor, of Chambers County, Texas, consent of the Legislature to file and prosecute a suit against the State of Texas and/or the State Highway Commission in a court of competent jurisdiction in order to determine what compensation, if any, he, the said W. N. Smith, as father of said Carl Smith, are entitled to receive by reason of injury sustained by said Carl Smith, minor, while an employee of the State Highway Commission, and providing that the State and/or said commission may appeal from said judgment as provided by law without executing any bond, and upon final judgment being recovered against the State and/or State Highway Commission, the same shall be paid out of the State Highway funds, and providing that service in said cause shall be had by citing the Chairman of the Highway Commission, and Attorney General, and declaring an emergency."

S. B. No. 240, "An Act amending Article 2525, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts First Called Session, Forty-third Legislature, Article 2526, R. C. S. of Texas, 1925, Article 2527, R. C. S. of Texas, 1925, Article 2528, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts First called Session, Forty-third Legislature, Article 2529, R. C. S. of Texas, 1925, Article 2530, R. C. S. of Texas, 1925, Article 2531, R. S. C. of Texas, 1925, Article 2532, R. C. S. of Texas, 1925, Article 2533, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts First Called Session, Forty-third

Legislature, Article 2534, R. C. S. of Texas, 1925, Article 2535, R. C. S. of Texas, 1925, Article 2537, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts First Called Session, Forty-third Legislature; repealing all laws and parts of laws in conflict and expressly repealing Article 2539, R. C. S. of Texas, 1925, as amended by Chapter 89, Acts First Called Session, Forty-third Legislature; and declaring an emergency."

H. B. No. 593, "An Act creating the office of Criminal District Attorney in all counties having a population of not less than 75,001 nor more than 77,100, and not containing a city of more than 40,000 inhabitants as determined by the last preceding Federal Census, and in which counties there are one or more Judicial Districts and, in which the County Attorney performs the duties of County Attorney and District Attorney, and in which there is not now a District Attorney; providing that the present County Attorney in those counties shall qualify as Criminal District Attorney, remain in office for the period such officer would have held his office as County Attorney had this Act not been passed; etc., and declaring an emergency."

#### Senate Bill No. 435 on Second Reading.

On motion of Senator Redditt, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 435, A bill to be entitled "An Act making an appropriation of \$20,000 to be used by the Attorney General for the purpose of paying costs and expenses in prosecuting the suit of the State of Texas for recovery of transfer, succession or inheritance tax against the estate of Edward H. R. Green, under the provisions of Chapter 5, Title 122, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Redditt, and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time.

Senator Redditt offered the following (committee) amendment to the bill:

Amend S. B. No. 435 by striking out the words and figures "Twenty Thousand (\$20,000.00) Dollars," and inserting in lieu thereof the words and figures "Ten Thousand (\$10,000.00) Dollars."

The (committee) amendment was adopted.

S. B. No. 435 was passed to engrossment.

#### Senate Bill No. 435 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 435 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid S. B. No. 435 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Moore.
Beck.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Pace.
Head.	Rawlings.
Hill.	Redditt.
Holbrook.	Roberts.
Isbell.	Shivers.
Lemens.	Small.

Spears.	Weinert.
Stone.	Westerfeld.
Sulak.	Winfield.
Van Zandt.	Woodruff.

Absent—Excused.

Brownlee.

#### Senate Bill No. 1 With Governor's Veto.

(Unfinished Business.)

The President laid before the Senate, as unfinished business, for further consideration at this time, the motion of Senator Burns that Senate Bill No. 1 be passed notwithstanding its veto by the Governor.

Pending consideration of the motion, Senator Collie occupied the Chair temporarily.

(President in the Chair.)

Senator Burns moved that the motion be tabled subject to call.

Yeas and nays were demanded, and the motion to table subject to call prevailed by the following vote:

Yeas—15.

Burns.	Rawlings.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Weinert.
Holbrook.	Westerfeld.
Moore.	Winfield.
Pace.	

Nays—12.

Aikin.	Newton.
Hill.	Oneal.
Isbell.	Redditt.
Lemens.	Spears.
Neal.	Sulak.
Nelson.	Woodruff.

Absent.

Beck.	Van Zandt.
Stone.	

Absent—Excused.

Brownlee.

#### Conference Committee on Senate Bill No. 74.

The President announced the appointment of the following free conference committee on the part of the Senate on Senate Bill No. 74:

Senators Redditt, Pace, Stone, Shivers and Brownlee.

**Senate Bill No. 114 With Governor's Veto.**

Senator Moore called up, for consideration at this time, the motion, heretofore made and spread upon the Journal, that Senate Bill No. 114 be passed notwithstanding the veto of the Governor.

Question—Shall the bill be passed notwithstanding its veto by the Governor?

The roll was called, and the bill was passed notwithstanding the veto of the Governor by the following vote:

**Yeas—18.**

Burns.	Newton.
Collie.	Rawlings.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Holbrook.	Stone.
Moore.	Sulak.
Neal.	Westerfeld.
Nelson.	Winfield.

**Nays—7.**

Aikin.	Redditt.
Beck.	Roberts.
Oneal.	Woodruff.
Pace.	

**Absent.**

Hill.	Van Zandt.
Isbell.	Weinert.
Lemens.	

**Absent—Excused.**

Brownlee.

**Senate Bill No. 1 With Governor's Veto.**

Senator Burns called up from the President's table for further consideration at this time, the motion that S. B. No. 1 be passed notwithstanding the veto of the Governor.

Question—Shall the bill be passed notwithstanding the veto of the Governor?

The roll was called, and the Senate refused to pass the bill notwithstanding the veto of the Governor by the following vote:

**Yeas—10.**

Burns.	Shivers.
Head.	Small.
Moore.	Stone.
Pace.	Sulak.
Rawlings.	Westerfeld.

**Nays—19.**

Aikin.	Nelson.
Beck.	Newton.
Collie.	Oneal.
Cotten.	Redditt.
Davis.	Roberts.
Hill.	Spears.
Holbrook.	Van Zandt.
Isbell.	Winfield.
Lemens.	Woodruff.
Neal.	

**Absent.**

Weinert.

**Absent—Excused.**

Brownlee.

**Senate Bill No. 261 With House Amendments.**

Senator Rawlings called up S. B. No. 261 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Rawlings moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

**Senate Bill No. 457 on First Reading.**

Senator Small, by unanimous consent, moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a general bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin.	Lemens.
Beck.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Newton.
Davis.	Oneal.
Head.	Pace.
Hill.	Rawlings.
Holbrook.	Redditt.
Isbell.	Roberts.

Shivers.	Van Zandt.
Small.	Weinert.
Spears.	Westerfeld.
Stone.	Winfield.
Sulak.	Woodruff.

Absent—Excused.

Brownlee.

The following bill was then introduced, read first time, and referred to the Committee on Civil Jurisprudence:

By Senator Small:

S. B. No. 457, A bill to be entitled "An Act amending Chapter 206, of the Regular Session of the Forty-first Legislature authorizing the Board of Directors of Texas Technological College and the Board of Directors of Texas College of Arts and Industries and the Board of Regents of the Texas State Teachers Colleges to erect and equip and make contracts for the erection and equipping of dormitories, other buildings and improvements on the campus or other real estate purchased or leased for the purpose; to purchase or lease additional real estate for such purpose or to sell or exchange real estate now or hereafter owned for such purposes; to enter into contracts with municipalities or school districts for joint construction of museums, library buildings or such other buildings as may be necessary; to issue obligations under the limitations herein prescribed and to pledge the rents, revenues and incomes from the operation of such improvements to be erected hereunder, and/or then owned for the repayment of said obligations, to pledge the unused part of any revenues from self-liquidating buildings for the construction of other buildings, and all other rents, revenues and incomes from every source, except appropriations made by the Legislature for a particular specific purpose, to require revenue notes or revenue bonds to be examined and approved by the Attorney General and Comptroller of the State of Texas and registered in the office of the Comptroller, to establish and maintain such schedule of rates, fees and charges for the use of facilities afforded by its dormitories, other buildings, and improvements and revenues from athletic fields and stadiums as necessary for payment

of principal and interest of indebtedness; to sell and/or encumber any part of the campus or real estate owned by the college for the purpose of obtaining funds with which to erect and/or equip such improvements; or for the purpose of further securing the payment of its obligations issued for the erection and/or equipping of such improvements; providing for the control and management of said dormitories, other buildings, and improvements; providing that in the erection of such buildings and improvements or in contracting therefor no indebtedness shall be incurred against the Texas Technological College, the Texas College of Arts, and Industries, the Texas State Teachers College or the State of Texas, authorizing the Board of Regents or Board of Directors to borrow money for the Texas Technological College, the Texas College of Arts and Industries or the Teachers Colleges and issue the obligations of the colleges therefor, payable from appropriations or income of the college, for which the money is borrowed, except as herein otherwise provided; repealing all laws and parts of laws in conflict with the provisions of this Act and providing that if any sections, provisions, or portions of this Act be held invalid that the same shall not affect the remaining sections, provisions, or portions thereof; and declaring an emergency."

#### Senate Concurrent Resolution No. 53.

Senator Moore, by unanimous consent, offered the following resolution:

S. C. R. No. 53, Authorizing the Christian Restoration Association to sue the State of Texas.

The resolution was read and was referred by the President to the Committee on State Affairs.

#### Motions to Adjourn and to Recess.

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Senator Woodruff moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—11.

Burns.	Spears.
Moore.	Stone.
Pace.	Van Zandt.
Rawlings.	Weinert.
Shivers.	Winfield.
Small.	

## Nays—17.

Aikin.	Neal.
Beck.	Nelson.
Collie.	Newton.
Davis.	Oneal.
Head.	Redditt.
Hill.	Roberts.
Holbrook.	Sulak.
Isbell.	Woodruff.
Lemens.	

## Absent.

Cotten.	Westerfeld.
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## Absent—Excused.

Brownlee.

Question next recurring on the motion to recess, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—13.

Aikin.	Lemens.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Newton.
Hill.	Oneal.
Holbrook.	Roberts.
Isbell.	

## Nays—16.

Beck.	Small.
Burns.	Spears.
Head.	Stone.
Moore.	Sulak.
Pace.	Van Zandt.
Rawlings.	Weinert.
Redditt.	Winfield.
Shivers.	Woodruff.

## Absent.

Westerfeld.

## Absent—Excused.

Brownlee.

## Relative to Night Session.

Senator Lemens asked unanimous consent of the Senate to move, at

this time, that the Senate meet tonight to consider local and non-contested bills.

Senator Rawlings objected to consideration of the motion of Senator Lemens at this time and asked that the unfinished business (H. B. No. 258 on passage to third reading) be laid before the Senate.

Senate Woodruff raised a point of order on the objection of Senator Rawlings on the ground that it comes too late.

The President overruled the point of order.

## Relative to Introduction of Bill.

Senator Collie moved that the regular order of business be suspended to permit the introduction at this time of a bill relating to an emergency matter submitted by the Governor pursuant to Section 5 of Article 3 of the Constitution.

Senator Burns raised a point of order on consideration of the motion on the ground that a bill (S. B. No. 1) comprising the same substance has been defeated during the present session of the Legislature.

The President overruled the point of order.

Question—Shall the motion to suspend prevail?

## Recess.

Senator Burns moved that the Senate recess to 2:30 o'clock p. m., today.

Yeas and nays were demanded, and the motion to recess prevailed by the following vote:

## Yeas—21.

Aikin.	Oneal.
Burns.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Hill.	Shivers.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.
Newton.	

## Nays—8.

Beck.	Head.
Collie.	Nelson.

Roberts.  
Small.

Spears.  
Westerfeld.

Absent.

Sulak.

Absent—Excused.

Brownlee.

The Senate, accordingly, at 12:25 o'clock p. m., took recess to 2:00 o'clock p. m., today.

#### Afternoon Session.

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

The Senate resumed consideration of pending business, same being motion of Senator Collie to suspend the regular order of business to permit the introduction at this time of a bill relating to an emergency matter submitted by the Governor.

Senator Burns again raised a point of order on consideration of the motion by Senator Collie, on the ground that a bill containing the same substance as the bill referred to in Senator Collie's motion has been defeated during the present session of the Legislature.

Senator Hill demanded that the President rule on the point of order immediately, and the demand was not seconded by the requisite number of Senators.

The President overruled the point of order.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—21.

Alkin.  
Beck.  
Collie.  
Davis.  
Head.  
Hill.  
Holbrook.  
Isbell.  
Moore.  
Neal.  
Nelson.

Newton.  
Oneal.  
Roberts.  
Shivers.  
Spears.  
Stone.  
Weinert.  
Westerfeld.  
Winfield.  
Woodruff.

Nays—7.

Burns.  
Pace.  
Rawlings.  
Redditt.

Small.  
Sulak.  
Van Zandt.

Cotten.

Absent.

Absent—Excused.

Brownlee.

Lemens.

#### House Bill No. 258 on Passage to Third Reading.

The President laid before the Senate, as unfinished business, on its passage to third reading:

H. B. No. 258, A bill to be entitled "An Act creating Firemen's Relief and Retirement Fund in the State of Texas and in all cities, towns, and villages thereof having a regularly organized fire department with fire fighting equipment or apparatus of the value of One Thousand (\$1,000.00) Dollars or more therein; etc.; and declaring an emergency."

With the following amendment by Senator Holbrook pending:

Amend H. B. No. 258 by adding to Section 2 thereof a section to be known as Section 2a which shall read as follows:

"In addition to the tax imposed under the provisions of Section 2 of this Act the beneficiaries under the terms of this Act shall pay and contribute to the fund hereby created a sum equivalent to five per centum (5%) or the gross wages or salary earned by each such beneficiary for the discharge of the duties entitling him to become a beneficiary under the terms hereof, and to participate in the fund hereby created. And provided further that volunteer firemen electing to avail themselves of the provisions of this Act shall contribute to said fund annually an amount of money equal to the prorata part of the fund allocable to the payment of the benefits hereunder. It shall be the duty of each Board of Firemen's Relief and Retirement Fund to annually determine the amount of said fund accruing by reason of the tax levied under Section 2 hereof, and to be used in payment of benefits to volunteer firemen, to prorate said amount among the volunteer firemen in such city, and to collect from each the prorated amount as above set forth. It shall be the duty of the fiscal agent of each municipality to deduct from the salary or wages of such beneficiary at the time when said wages are paid the amount of such contri-



bution, and failure on the part of such fiscal agent to collect the same at the time of the payment of such wages or salary shall render such fiscal agent individually liable for the amount thereof; and any person otherwise entitled to participation under the terms of this Act who fails, neglects and refuses to pay said contribution shall be forever barred from participating in said fund. Said fiscal agent shall immediately upon collection of the contribution herein provided for remit the same to the Board of Firemen's Relief and Retirement Fund trustees as hereinafter created, and shall remit the same together with forms to be prepared by said board for said purpose."

Question—Shall the amendment be adopted?

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 198, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the producing, distributing, exporting, importing and sale of natural gas with certain exceptions; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employees or representatives; prescribing penalties for failure to comply with the provisions of this Act; providing for the payment of interest and penalties on delinquent taxes due hereunder, providing that the State may compel meters to be placed on natural gas wells and natural gas pipe lines; providing for suits to enforce the collection of delinquent taxes, interest, penalties and costs by certain officials and fixing the venue therefor; providing that one-fourth of the tax collected shall be paid into the State Treasury for account of the Public Free School Fund, one-fourth for ac-

count of the Old Age Pension Fund and one-half for account of the General Fund; providing that should any part of this bill be declared unconstitutional the remainder of the bill shall remain in full force and effect; the fact that the State Treasury is in a depleted condition, and the fact that millions of dollars worth of natural gas is being produced and sold without paying a reasonable tax, therefore, an emergency is declared."

H. C. R. No. 87, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 131.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 706 on Second Reading.

Senator Spears, by unanimous consent, moved to suspend the regular order of business, to take up and have placed on its second reading and passage to third reading:

H. B. No. 706, A bill to be entitled "An Act providing for the employment by the county board of school trustees and the county superintendent of rural school supervisors in counties having population of not less than 290,000, nor more than 320,000 to act as such in the work of the primary and intermediate grades of the rural schools of the county; . . . etc., and declaring an emergency."

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 706 on Third Reading.**

Senator Spears moved that the constitutional rule requiring bills to be read on three several days in each House be suspended and that H. B. No. 706 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid H. B. No. 706 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

**House Bill No. 258 on Passage to Third Reading.**

The Senate resumed consideration of pending business, same being H. B. No. 258, on its passage to third reading, with amendment by Senator Holbrook, pending.

Senator Hill moved the previous question on the pending of amendment and the passage of the bill to third reading, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question, at this time, by the following vote:

Yeas—12.

Beck.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.

Nays—15.

Aikin.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Holbrook.	Spears.
Moore.	Weinert.
Pace.	Winfield.
Rawlings.	

Absent.

Lemens.	Sulak.
Stone.	

Absent—Excused.

Brownlee.

Senator Rawlings moved to table the pending amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—27.

Aikin.	Neal.
Beck.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Rawlings.
Head.	Redditt.
Hill.	Roberts.
Isbell.	Shivers.
Lemens.	Small.
Moore.	Spears.

Stone. Westerfeld.  
Van Zandt. Woodruff.  
Weinert.

Nays—1.

Holbrook.

Absent.

Sulak. Winfield.

Absent—Excused.

Brownlee.

Senator Rawlings offered the following amendment to the bill:

Amend the caption of the bill to conform with the body of the bill as amended.

The amendment was adopted.

H. B. No. 258 was then passed to third reading.

#### House Bill No. 258 on Third Reading.

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 258 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin. Pace.  
Beck. Rawlings.  
Burns. Redditt.  
Collie. Roberts.  
Cotten. Shivers.  
Davis. Small.  
Head. Spears.  
Hill. Stone.  
Isbell. Sulak.  
Lemens. Van Zandt.  
Moore. Weinert.  
Neal. Westerfeld.  
Nelson. Winfield.  
Newton. Woodruff.  
Oneal.

Nays—1.

Holbrook.

Absent—Excused.

Brownlee.

The President laid H. B. No. 258 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin. Pace.  
Beck. Rawlings.  
Burns. Redditt.  
Collie. Roberts.  
Cotten. Shivers.  
Davis. Small.  
Head. Spears.  
Hill. Stone.  
Isbell. Sulak.  
Lemens. Van Zandt.  
Moore. Weinert.  
Neal. Westerfeld.  
Nelson. Winfield.  
Newton. Woodruff.  
Oneal.

Paired.

Senator Holbrook (present), who would vote nay, with Senator Brownlee (absent), who would vote yea.

#### Motions to Set House Bill No. 53 As a Special Order.

Senator Woodruff moved that H. B. No. 53 be set as a special order for 11:00 o'clock a. m. tomorrow.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15.

Aikin. Neal.  
Beck. Nelson.  
Burns. Newton.  
Collie. Oneal.  
Cotten. Redditt.  
Head. Westerfeld.  
Hill. Woodruff.  
Isbell.

Nays—11.

Holbrook. Small.  
Moore. Spears.  
Pace. Stone.  
Rawlings. Van Zandt.  
Roberts. Weinert.  
Shivers.

Absent.

Lemens. Winfield.  
Sulak.

Paired.

Senator Davis (present), who would vote yea, with Senator Brownlee (absent), who would vote nay.

Senator Woodruff moved that H. B. No. 53 be set as a special order

for 11:00 o'clock a. m. next Thursday, April 8, 1937.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15.

Aikin.	Neal.
Beck.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Redditt.
Head.	Westerfeld.
Hill.	Woodruff.
Isbell.	

Nays—13.

Holbrook.	Spears.
Moore.	Stone.
Pace.	Sulak.
Rawlings.	Van Zandt.
Roberts.	Weinert.
Shivers.	Winfield.
Small.	

Absent.

Lemens.

Paired.

Senator Davis (present), who would vote yea, with Senator Brownlee (absent), who would vote nay.

Senator Hill moved that H. B. No. 53 be set as a special order for 10:45 o'clock a. m. tomorrow.

Senator Rawlings raised a point of order on consideration of the motion at this time on the ground that the Senate has just defeated a motion to set the bill as a special order for tomorrow.

The President overruled the point of order.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14.

Aikin.	Neal.
Beck.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Head.	Redditt.
Hill.	Westerfeld.
Isbell.	Woodruff.

Nays—13.

Holbrook.	Pace.
Moore.	Rawlings.

Roberts.  
Shivers.  
Small.  
Spears.  
Stone.

Sulak.  
Van Zandt.  
Weinert.  
Winfield.

Absent.

Cotten.

Lemens.

Paired.

Senator Davis (present), who would vote yea, with Senator Brownlee (absent), who would vote nay.

#### Conference Committee on Senate Bill No. 261.

The President announced the appointment of the following free conference committee on the part of the Senate on S. B. No. 261:

Senators Rawlings, Moore, Shivers, Collie and Roberts.

#### Senate Bill No. 453 on Second Reading.

Senator Weinert moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 453, A bill to be entitled "An Act providing that if two or more persons with the wilful purpose and intent to force or require any owner, representative or manager of any premises or building in this State to do or to refrain from doing any act or thing whatsoever, shall wilfully enter on said premises or in said building or shall wilfully remain therein and shall refuse or fail to leave said premises or building after being requested by the owner, representative or manager of said premises so to do, or if any person with such purpose and intent shall advise, counsel or assist any such person or persons to so enter or remain on said premises or in said building, each such person so offending shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of years of not less than two nor more than five years; fixing venue and declaring an emergency."

The motion prevailed by the following vote:

Yeas—22.

Aikin.  
Beck.

Burns.  
Collie.

Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Moore.	Spears.
Neal.	Stone.
Newton.	Weinert.
Pace.	Winfield.

Nays—5.

Hill.	Van Zandt.
Nelson.	Westerfeld.
Sulak.	

Absent.

Lemens.	Woodruff.
Oneal.	

Absent—Excused.

Brownlee.

The President laid the bill before the Senate.

On motion of Senator Weinert and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended, severally, to permit consideration of the bill at this time.

The bill was read second time.

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 453 by adding the following section to be known as Section 1-a:

"The provisions of this act shall not apply to any peace officer while in the performance of any duty imposed upon him by law."

The amendmend was adopted.

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 453 by striking out the words "two nor more than five year" and inserting in lieu thereof the following:

"One nor more than five years or by imprisonment in the county jail for not less than thirty days nor more than one year."

Senator Van Zandt offered the following substitute for the amendment:

Amend S. B. No. 453 by striking out in Sec. 1 the word "felony" and substitute in lieu thereof the word "misdemeanor" and by striking out the words "State Penitentiary" and substitute in lieu thereof the words

"county jail," and by striking out the words "a term of years not less than two nor more than five years" and write in lieu thereof the words: "not less than thirty days nor more than ninety days."

Pending consideration of the substitute, Senator Collie occupied the Chair temporarily.

(President in the Chair.)

Senator Weinert moved to table the substitute.

Yeas and nays were demanded, and the vote on the motion to table was announced yeas 14, nays 14.

The President voted yea, and the motion to table prevailed by the following vote:

Yeas—15.

Mr. President.	Redditt.
Aikin.	Roberts.
Collie.	Small.
Head.	Spears.
Holbrook.	Weinert.
Moore.	Winfield.
Pace.	Woodruff.
Rawlings.	

Nays—14.

Burns.	Newton.
Cotten.	Oneal.
Davis.	Shivers.
Hill.	Stone.
Isbell.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.

Absent.

Beck.	Lemens.
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Absent—Excused.

Brownlee.

Question then recurring on the amendment, it was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 453 by adding a new section to be numbered 1-c.

Provided further the provisions of this Act shall not apply to any person or persons renting a house and who has defaulted in the payment of rent.

BURNS,  
SHIVERS.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 453, Section 2, in the last line by striking out "Travis County."

BURNS,  
HILL,  
SHIVERS.

Yeas and nays were demanded, and the vote on the amendment was announced yeas 14, nays 14.

The President voted nay, and the amendment was lost by the following vote:

Yeas—14.

Aikin.	Newton.
Burns.	Pace.
Head.	Shivers.
Hill.	Spears.
Isbell.	Stone.
Moore.	Sulak.
Nelson.	Westerfeld.

Nays—15.

Mr. President.	Rawlings.
Beck.	Redditt.
Collie.	Roberts.
Cotten.	Van Zandt.
Davis.	Weinert.
Holbrook.	Winfield.
Neal.	Woodruff.
Oneal.	

Absent.

Lemens. Small.

Absent—Excused.

Brownlee.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 453 by adding a new section to be known as section 1-d and reading as follows:

"It shall not be necessary in any indictment hereunder to negative any of the exceptions herein."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend by adding:

"Section 1-b, Provided that nothing in this act shall be construed to repeal or affect in any way the Statutes of Limitations relating to the ownership of real property in this State."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 453, Sec. 1, by adding after the word "representative" and before the word "or," the word "receiver," and add the word "authorize" before the word "representative."

The amendment was adopted.

Senator Westerfeld offered the following amendment to the bill:

Add a new section as follows:

"Provided this act shall not apply to anyone engaged in fishing or trapping, or hunting for wild game."

On motion of Senator Weinert, the amendment was tabled.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 453 by adding another Section to be known as Section 1 E, reading as follows:

Provided nothing in this Act shall interfere with the right to peacefully picket and conduct a lawful strike not in violation of the laws of this State or the anti-trust laws of Texas, so long as the picketing and strike is not in any way carried on upon the actual premises owned by or controlled by that class of persons named herein above.

Senator Weinert raised a point of order on consideration of the amendment, on the ground that it is not germane to the bill.

The President overruled the point of order.

Senator Moore offered the following substitute for the amendment:

Amend S. B. No. 453 by adding at the end of Section 1 the following:

"The words 'premises' as used herein shall not include sidewalks, alleys and streets in which the public has an easement."

Senator Pace moved the previous question on the pending substitute and amendment and the engrossment of the bill, and the motion was not seconded.

On motion of Senator Weinert, and by unanimous consent, it was ordered that Section 2 of the bill be stricken out.

Senator Pace moved the previous question on the pending substitute

and amendment and the engrossment of the bill, and the motion was duly seconded.

The Senate refused to order the main question at this time.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—20.

Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Holbrook.	Stone.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Winfield.
Pace.	Woodruff.

Nays—10.

Aikin.	Newton.
Davis.	Oneal.
Hill.	Spears.
Isbell.	Sulak.
Lemens.	Westerfeld.

Absent—Excused.

Brownlee.

Question next recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was adopted by the following vote:

Yeas—16.

Aikin.	Oneal.
Burns.	Pace.
Cotten.	Shivers.
Head.	Spears.
Hill.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Newton.	Woodruff.

Nays—13.

Beck.	Redditt.
Collie.	Roberts.
Davis.	Small.
Holbrook.	Stone.
Isbell.	Weinert.
Neal.	Winfield.
Rawlings.	

Present—Not Voting.

Nelson.

Absent—Excused.

Brownlee.

On motion of Senator Van Zandt and by unanimous consent it was ordered that the caption of the bill be amended to conform with the body of the bill as amended.

S. B. No. 453 was then passed to engrossment.

Senate Bill No. 453 on Third Reading.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 453 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Winfield.
Nelson.	Woodruff.

Nays—2.

Sulak.	Westerfeld.
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Absent—Excused.

Brownlee.

The President then laid S. B. No. 453 before the Senate on its third reading and final passage.

The bill was read third time.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 453 by adding another Section to be known as Section 1 e, reading as follows:

Provided nothing in this Act shall interfere with the right to peacefully picket and conduct a lawful strike not in violation of the laws of this State or the anti-trust laws of Texas, so long as the picketing and strike is not in any way carried on upon the actual premises owned by or controlled by that class of persons named herein above.

Senator Van Zandt moved the previous question on the amendment and the passage of the bill, and the main question was ordered.

Question then first recurred on the amendment.

The amendment was lost by the following vote:

**Yeas—13.**

Aikin.	Oneal.
Burns.	Pace.
Cotten.	Spears.
Hill.	Sulak.
Lemens.	Westerfeld.
Nelson.	Woodruff.
Newton.	

**Nays—16.**

Collie.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Holbrook.	Small.
Isbell.	Stone.
Moore.	Van Zandt.
Neal.	Weinert.
Rawlings.	Winfield.

**Absent.**

Beck.

**Absent—Excused.**

Brownlee.

S. B. No. 453 was passed by the following vote:

**Yeas—21.**

Aikin.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Moore.	Stone.
Neal.	Weinert.
Nelson.	Winfield.
Newton.	

**Nays—8.**

Burns.	Sulak.
Hill.	Van Zandt.
Lemens.	Westerfeld.
Spears.	Woodruff.

**Absent.**

Beck.

**Absent—Excused.**

Brownlee.

**Reasons for Vote.**

We voted "nay" on final passage of S. B. No. 453 because the law as written not only has for its purpose preventing the undemocratic form of strike commonly known and referred to as the "sit-down strikers," but goes further and in our judgment interferes with the legal and lawful right of organized labor to peacefully picket and conduct strikes so long as they (the strikers) don't interfere with the legal and lawful property and personal rights of others.

We are unqualifiedly opposed to the "sit-down strikes," but at the same time we recognize the lawful rights of decent, honest and law-abiding citizens to peacefully picket and to strike so long as they do not interfere with the property rights of their employers, or the personal rights of others. We also recognize the unrestrained rights of collective bargaining which we believe this bill abridges.

We regret that we had to find it necessary to vote "nay" on this bill, but our sense of fairness and justice demand it.

SPEARS,  
HILL.

**House Bill on First Reading.**

The following bill received from the House today, was laid before the Senate, read first time, and referred to the appropriate committee, as indicated:

H. B. No. 198, to Committee on State Affairs.

**House Concurrent Resolution No. 87.**

The President laid before the Senate the following resolution:

H. C. R. No. 87, Authorizing correction of enrolled copy of H. B. No. 131.

On motion of Senator Oneal, by unanimous consent, the regular order of business and the Senate rule requiring concurrent resolutions to be referred to a committee were suspended, severally, to permit consideration of the resolution at this time.

The resolution was adopted.

**Senate Bill No. 222 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular order



of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 222, A bill to be entitled "An Act to provide for the cession by the State of Texas to the United States of America of all right, title, and interest which the State of Texas may have in and to certain lands in Cameron and Hidalgo Counties comprising the bed and banks of the Rio Grande, and to certain lands in Cameron, Hidalgo, and Willacy Counties comprising the bed and banks of the Arroyo Colorado; retaining jurisdiction as to certain of such lands in the State of Texas for certain purposes; reserving the rights of the State of Texas, and residents and citizens thereof, to waters of the Rio Grande and the Arroyo Colorado, and in the use thereof, and in the access thereto; and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Neal offered the following (committee) amendment to the bill:

Amend S. B. No. 222 by adding the following paragraph to Section 1:

"Provided further that the title to all of the oil, gas and other minerals, in and under, and that may hereafter be produced from any such land so ceded unto the United States of America, shall be retained and reserved in favor of the State of Texas."

The (committee) amendment was adopted.

Senator Neal offered the following amendment to the bill:

Amend S. B. No. 222 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. In order to facilitate the acquisition, operation and maintenance of the Lower Rio Grande Flood Control Project by the United States, pursuant to provisions of the Act of Congress approved August 19, 1935, (49 Stat. 660) and Acts amendatory thereof and supplementary thereto, and Acts 1934, Forty-third Legislature of Texas, Fourth Called Session, Page 71, Chapter 29, there is hereby granted and conveyed to the United States of America: (1) the perpetual right and easement to enter and re-enter in and upon the

beds and banks of the Rio Grande in Cameron County and Hidalgo County for the purpose of constructing, operating and maintaining suitable revetment and jetty works, retaining walls, levees, dikes, and embankments along and adjacent to the banks of the Rio Grande, and the right to construct, operate and maintain such anchors, cables and any other structures of whatsoever kind, in connection with the construction, operation and maintenance of the Lower Rio Grande Flood Control Project as may from time to time be deemed necessary by the engineers in charge of such project, and (2) the perpetual right and easement to enter and re-enter in and upon the beds and banks of the Arroyo Colorado in Cameron County, Willacy County and Hidalgo County for handling, flowing, carrying, diverting, impounding, and controlling flood and drainage water or waters, together with the right to clear and grub said land, and maintain the same free of trees and brush and the right to construct, operate and maintain therein or thereon suitable channels, drainage ditches and structures, flood control and irrigation structures, or any other type or kind of structure, or excavation of any nature whatsoever, as may from time to time be deemed necessary by the engineers in charge of said work for the proper and efficient maintenance and operation of the Lower Rio Grande Flood Control Project.

Provided, however, that this grant and cession is made upon the express condition that the State of Texas shall retain concurrent jurisdiction with the United States of America over every portion of said lands so affected by this grant and cession so far that all process, civil and criminal, issuing under the authority of this State or any of the courts or judicial officers thereof may be executed by the proper officers of the State upon any person amenable to the same within the limits of the lands hereby affected, in like manner and with like effect as if this grant and cession had not taken place. Nothing in this Act shall be construed to be a cession or relinquishment of any rights which the State of Texas or citizens or owners of property therein may hold or possess in the waters of the Rio Grande or the Arroyo Colorado and in the use thereof and in the access thereto.

Sec. 2. If any section, clause or provision of this Act shall be held unconstitutional, or otherwise invalid or unenforceable, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this Act, and the parts of this Act not so held to be unconstitutional or invalid shall remain in full force and effect.

Sec. 3. The fact that construction of the Lower Rio Grande Flood Control Project is of utmost importance to the State of Texas and that the United States has been authorized by Congress to erect, operate and maintain the Lower Rio Grande Flood Control Project and that the passage of this Act will facilitate such project and enable a more speedy consummation thereof creates an emergency and imperative public necessity which demands that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Holbrook moved that the bill be tabled subject to call.

Question—Shall the bill be tabled subject to call?

#### Bill Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

H. B. No. 706, "An Act providing for the employment in all counties having a population of not less than two hundred and ninety thousand (290,000) nor more than three hundred and twenty (320,000) according to the last preceding Federal Census, of two rural school supervisors; prescribing the qualifications and duties of said supervisors and defining their powers; providing the compensation to be paid to such supervisors and the method of paying same; providing the county board of school trustees shall have the power to discontinue the office of such supervisors whenever advisable; providing that in compliance with this Act in any of the counties affected hereby shall exempt the county superintendent from holding a teachers' institute, and shall

exempt the teachers from attending teachers' institute, as now required by Article 2691, Revised Civil Statutes, 1925, as amended, and declaring an emergency."

#### Request of House Granted.

Senator Burns moved that the request of the House for a free conference committee on H. B. No. 67 be granted.

The motion prevailed.

#### Recess.

Senator Oneal moved that the Senate recess to 8 o'clock p. m. today.

Senator Stone moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The vote on the motion to adjourn was announced yeas 14, nays 14.

The President voted nay, and the motion was lost by the following vote:

#### Yeas—14.

Collie.	Roberts.
Cotten.	Shivers.
Head.	Small.
Isbell.	Stone.
Moore.	Sulak.
Pace.	Van Zandt.
Rawlings.	Weinert.

#### Nays—15.

Mr. President.	Nelson.
Aikin.	Newton.
Burns.	Oneal.
Davis.	Redditt.
Hill.	Westerfeld.
Holbrook.	Winfield.
Lemens.	Woodruff.
Neal.	

#### Absent.

Beck.	Spears.
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#### Absent—Excused.

Brownlee.

Question next recurring on the motion to recess, it prevailed; and the Senate, accordingly, at 6:20 o'clock p. m. took recess to 8 o'clock p. m. today.

**Night Session.**

The Senate met at 8:00 o'clock p. m., and was called to order by the President.

**Senate Bill No. 222 on Engrossment.**

The Senate resumed consideration of pending business, same being Senate Bill No. 222, on its passage to engrossment, with motion by Senator Holbrook to table the bill subject to call pending.

Senator Holbrook withdrew the motion table subject to call.

Senator Neal offered the following amendment to the bill:

Amend S. B. No. 222 by striking out all above the enacting clause and substituting in lieu thereof the following:

**A BILL  
To Be Entitled**

An Act to provide for the granting by the State of Texas to the United States of America of an easement in and to lands in Cameron and Hidalgo Counties comprising the bed and banks of the Rio Grande River, and an easement in and to certain lands in Cameron, Hidalgo, and Willacy Counties comprising the bed and banks of the Arroyo Colorado, such easement being for the purposes of using and occupying said lands for the construction, maintenance and operation of any and all flood control structures, and retaining in the State of Texas jurisdiction of such lands for certain purposes, reserving the rights of the State of Texas and residents and citizens thereof to waters of the Rio Grande River and the Arroyo Colorado and the right in the use thereof and in the access thereto; providing that if any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency.

The amendment was adopted.  
S. B. No. 222 was passed to engrossment.

**Senate Bill No. 222 on Third  
Reading.**

Senator Neal moved that the constitutional rule requiring bills to be

read on three several days in each House be suspended and that S. B. No. 222 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

**Absent—Excused.**

Brownlee.

The President then laid S. B. No. 222 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30.**

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

**Absent—Excused.**

Brownlee.

**Consideration of Local and Non-  
Contested Bills.**

Senator Rawlings asked unanimous consent of the Senate that only local and non-contested bills be considered at the night session and that each Senator be recognized, as his name

is reached in its alphabetical order, to move to suspend the regular order of business to take up a local or non-contested bill.

There was no objection offered, and it was so agreed.

**House Bill No. 512 on Second Reading.**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 512, A bill to be entitled "An Act amending Sections 4, 7, 9, 10, 11, 14 and 22 of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290, and adding Sections 7a and 7b thereto; the amendment of Section 4 providing that the independent school district or city that has assumed control of its schools or where the same has been organized as a junior college district has an independent entity which is governed, administered and controlled by and under the direction of the Board of Education of such district or city, and conferring upon said Board of Education of said junior college district the rights, powers, privileges and duties imposed upon trustees of independent school districts by the General Laws of the State of Texas in so far as they may be applicable and not inconsistent with this Act; . . . etc., and declaring an emergency."

The President laid the bill before the Senate, it was read second time and passed to third reading.

**House Bill No. 512 on Third Reading.**

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days in each House be suspended and that H. B. No. 512 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Hill.
Beck.	Holbrook.
Burns.	Isbell.
Collie.	Lemens.
Cotten.	Moore.
Davis.	Neal.
Head.	Nelson.

Newton.	Spears.
Oneal.	Stone.
Pace.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Weinert.
Roberts.	Westerfeld.
Shivers.	Winfield.
Small.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid H. B. No. 512 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

**Senate Bill No. 377 on Second Reading.**

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 377, A bill to be entitled "An Act making an emergency appropriation to the Texas Prison System, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 377 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 377 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

## Absent—Excused.

Beck. Brownlee.

The President laid S. B. No. 377 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

## Absent—Excused.

Beck. Brownlee.

## House Bill No. 87 on Second Reading.

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 87, A bill to be entitled "An Act to amend Chapter 210, Acts

of the Regular Session of the Forty-first Legislature, as amended by H. B. No. 4, Chapter 142, page 381, Acts of the Regular Session of the Forty-fourth Legislature, empowering the State Text Book Commission to adopt a multiple list of text books in German, Czech and French languages for use in high schools; commercial arithmetic, and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said commission; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

## House Bill No. 87 on Third Reading.

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 87 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

## Absent—Excused.

Beck. Brownlee.

The President laid H. B. No. 87 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin.	Collie.
Burns.	Cotten.

Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Oneal.	Winfield.
Pace.	Woodruff.
Rawlings.	

Absent—Excused.

Beck. Brownlee.

**House Bill No. 915 on Second Reading.**

On motion of Senator Burns, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 915, A bill to be entitled "An Act authorizing the county school board of trustees in counties of a population of not less than seventeen thousand five hundred (17,500) and not more than seventeen thousand five hundred and seventy (17,570) according to the last preceding Federal Census, upon proper petition to detach territory lying in county line districts and attach same to any school district; providing for adjustment of bonded indebtedness, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Burns and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 915 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 915 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Absent—Excused.

Beck. Brownlee.

The President laid H. B. No. 915 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Absent—Excused.

Beck. Brownlee.

**Senate Bill No. 375 on Second Reading.**

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 375, A bill to be entitled "An Act to amend Section 10 of the Acts of the Fortieth Legislature, 1927, page 228, Chapter 156, to provide that district judges assigned to districts other than their own dis-

tricts shall be paid, in addition to all other compensation permitted or authorized by law, their actual expenses in going to and returning from their several assignments, and their actual living expenses while in the performance of their duties under assignments, which expenses shall be paid out of any funds appropriated by the Legislature for the judiciary, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

#### Senate Bill No. 375 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 375 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Onsal.	

Absent—Excused.

Beck. Brownlee.

The President laid S. B. No. 375 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Hill.
Burns.	Holbrook.
Collie.	Isbell.
Cotten.	Lemens.
Davis.	Moore.
Head.	Neal.

Nelson.	Small.
Newton.	Spears.
Oneal.	Stone.
Pace.	Weinert.
Rawlings.	Westerfeld.
Redditt.	Winfield.
Roberts.	Woodruff.
Shivers.	

Nays—2.

Sulak. Van Zandt.

Absent—Excused.

Beck. Brownlee.

#### House Bill No. 605 on Second Reading.

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 605, A bill to be entitled "An Act to amend Article 1813, Revised Civil Statutes of Texas, 1925, so as to add thereto a provision for the appointment of a Special Commissioner to serve with and assist a Court of Civil Appeals where a member thereof shall be totally disabled by illness, physical or mental; providing for the appointment of such Special Commissioner by the Governor under certain defined circumstances; defining the duties, compensation, and term of office of such Special Commissioner; providing that if any part of this Act is held unconstitutional, the valid portion of the same was intended to be enacted, and providing for an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 605 on Third Reading.

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 605 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Collie.
Burns.	Cotten.

Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Oneal.	Winfield.
Pace.	Woodruff.
Rawlings.	

Absent—Excused.

Beck. Brownlee.

The President laid H. B. No. 605 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Nays—2.

Oneal. Small.

Absent—Excused.

Beck. Brownlee.

#### House Bill No. 598 on Second Reading.

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 598, A bill to be entitled "An Act amending Article 2700 of the Revised Civil Statutes of Texas, 1925, increasing the allowance for office and traveling expenses for county superintendent of Rusk County to not exceeding \$900.00

per annum, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 598 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 598 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Absent—Excused.

Beck. Brownlee.

The President laid H. B. No. 598 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Absent—Excused.

Beck. Brownlee.



**House Bill No. 317 on Second Reading.**

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 317, A bill to be entitled "An Act amending Article 2700 of the Revised Civil Statutes of Texas, 1925, increasing the allowance for office and traveling expenses for county superintendent of Hunt County to not exceeding \$600.00 per annum, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 317 on Third Reading.**

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 317 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29.**

Aikin	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

**Absent—Excused.**

Beck	Brownlee
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The President laid H. B. No. 317 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29.**

Aikin	Collie
Burns	Cotten

Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

**Absent—Excused.**

Beck	Brownlee
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**Senate Bill No. 306 on Second Reading.**

Senator Holbrook moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 306, A bill to be entitled "An Act supplemental to and amending Article 6341, Revised Civil Statutes of Texas, 1925, relating to the powers of railroad corporations, enlarging their charter powers, and empowering them to transport persons, property, goods, ware, merchandise mail, and any valuable thing by highway, air, pipe line, and water, repealing all laws or parts of laws in conflict, providing if any part is declared unconstitutional, such decision shall not affect the remainder of the Act, and creating an emergency."

The motion to suspend the regular order was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—10.**

Collie	Pace
Cotten	Redditt
Holbrook	Shivers
Moore	Van Zandt
Neal	Weinert

**Nays—15.**

Aikin	Roberts
Burns	Spears
Davis	Stone
Isbell	Sulak
Lemens	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

## Absent.

Head Rawlings  
Hill Small

## Absent—Excused.

Beck Brownlee

**House Bill No. 473 on Second Reading.**

On motion of Senator Holbrook, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 473, A bill to be entitled "An Act amending Article 1583 of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand inhabitants and in cities of more than thirty thousand inhabitants, by adding a new Section to be known as Article 1583-B, providing for vacations for jailers, jail guards and jail matrons and providing penalties for the violation of the provisions of this Article, and declaring an emergency."

The President laid the bill before the Senate, it was read second time, and was passed to third reading.

**House Bill No. 473 on Third Reading.**

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 473 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Absent—Excused.

Brownlee

The President laid H. B. No. 473 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Absent—Excused.

Brownlee

**House Bill No. 974 on Second Reading.**

On motion of Senator Davis, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 974, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Sterling County, conferring upon said court civil and criminal jurisdiction, and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Davis and by unanimous consent, the Senate rules requiring printed copies of a bill to be on the desks of Senators 24 hours before consideration of the bill and requiring a report on a bill to lie over one day before consideration of the bill were suspended, severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 974 on Third Reading.**

Senator Davis moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 974 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Brownlee

The President laid H. B. No. 974 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Brownlee

**Senate Bill No. 103 on Second Reading.**

On motion of Senator Lemens, and by unanimous consent, the regular

order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 103, A bill to be entitled "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, 1925, and providing that the court may set several capital cases on the same day; providing that only one venire shall be drawn for all capital cases set for the same day; providing each defendant shall be furnished a list of the venire for the day his case is set; providing that court may in his discretion excuse the remainder of the venire, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Lemens offered the following amendments to the bill:

(1)

Amend S. B. No. 103, line 18, by changing the word "be" to "by."

(2)

Amend S. B. No. 103, line 12, by changing the first "d" thereon to "t."

The amendments were adopted severally.

S. B. No. 103 was passed to engrossment.

**Senate Bill No. 103 on Third Reading.**

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 103 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Moore
Beck	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers
Lemens	Small

Spears	Weinert
Stone	Westerfeld
Sulak	Winfield
Van Zandt	Woodruff

Absent—Excused.

Brownlee

The President laid S. B. No. 103 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Brownlee

#### House Bill No. 122 on Second Reading.

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 122, A bill to be entitled "An Act to amend Article 1315 of the Revised Civil Statutes of Texas of 1925 so as to authorize any private corporation organized under Title 32 of said Revised Civil Statutes to extend its charter; prescribing the manner for so extending any such charter and prescribing fees to be paid for any such extension of charter, and declaring an emergency."

The President laid the bill before the Senate, and it was read second time.

Senator Moore offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 122 by adding at

the end of Section 1 thereof, the following:

"Such extensions, however, may be made only in instances where the Secretary of State shall have found, after proper investigation, that such corporation is solvent and its capital unimpaired."

(2)

Amend H. B. No. 122 by inserting immediately prior to the words "any private corporations" at the beginning of the Article, the words "Subject to a finding by the Secretary of State as hereinafter provided."

The (committee) amendments were adopted severally.

Senator Moore offered the following amendment to the bill:

Amend the caption to conform to the body of the bill as amended.

The amendment was adopted.

H. B. No. 122 was then passed to third reading.

#### House Bill No. 122 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 122 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Spears
Head	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Present—Not Voting.

Oneal

Absent—Excused.

Brownlee

The President laid H. B. No. 122

before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Pace
Beck	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—2.

Hill Oneal

Absent—Excused.

Brownlee

#### House Bill No. 597 on Second Reading.

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 597, A bill to be entitled "An Act to amend Article 7009, Revised Civil Statutes of Texas, 1925, increasing the term of office for the members of the Live Stock Sanitary Commission of the State of Texas from two to six years so that one term of office will expire each two years, providing for the appointment of a chairman of said commission, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Neal and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 597 on Third Reading.

Senator Neal moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 597 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Nays—1.

Stone

Absent—Excused.

Brownlee

The President laid H. B. No. 597 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook.	Spears
Isbell	Sulak
Lemens	Van Zandt.
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—2.

Cotten Stone

Absent—Excused.

Brownlee

#### House Bill No. 674 on Second Reading.

On motion of Senator Small and by unanimous consent, the regular

order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 674, A bill to be entitled "An Act validating all elections, election orders, election proceedings and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of any incorporated city having a population of not less than four thousand and not more than four thousand, five hundred inhabitants, as shown by the last preceding Federal Census, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 674 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 674 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Brownlee

The President then laid H. B. No. 674 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Cotten
Beck	Davis
Burns	Head
Collie	Hill

Holbrook	Roberts
Isbell	Shivers
Lemens	Small
Moore	Spears
Neal	Stone
Nelson	Sulak
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Absent—Excused.

Brownlee

#### House Bill No. 796 on Second Reading.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 796, A bill to be entitled "An Act validating the creation and organization of all school districts including common school districts, and validating all of the actions of county board of trustees with reference to annexation of territory to school districts or detachment of territory from school districts or any type of annexation whatsoever, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Newton offered the following amendment to the bill:

Amend H. B. No. 796 by adding a new section after Section 1A to be known as Section 1B to read as follows:

The Acts of the County Board of Trustees shall not be valid except those Acts that are passed by four-fifths majority of the board itself.

The amendment was adopted.

Senator Newton offered the following amendment to the bill:

Amend the caption to conform to the body of the bill as amended.

The amendment was adopted.

H. B. No. 796 was passed to third reading.

#### House Bill No. 796 on Third Reading.

Senator Newton moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 796 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Brownlee

The President laid H. B. No. 796 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Absent—Excused.

Brownlee

#### House Bill No. 273 on Second Reading.

On motion of Senator Head and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 273, A bill to be entitled

"An Act to grant Mrs. Beulah Baker McFarland and husband, A. C. McFarland and A. D. Baker and wife Alty Baker of Bell County, Texas, permission to bring suit against the State of Texas and the State Highway Department for damages for personal injuries received by and the death of Robert Baker on account of the alleged negligence of the State Highway Department and of its employees while Robert Baker was employed on construction work on State Highway No. 2 in Bell County, Texas; providing for place of venue; providing such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; providing for contingent appropriation to pay any judgment recovered, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

On motion of Senator Head and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 273 on Third Reading.

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 273 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Absent—Excused.

Brownlee

The President then laid H. B. No. 273 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Absent—Excused.

Brownlee

## Senate Bill No. 20 on Second Reading.

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 20, A bill to be entitled "An Act providing that no person shall inherit or take any property either under the laws of descent and distribution or under a will or testament, who as the principal or as an accomplice wilfully brings about the death of the owner of such property, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

## Senate Bill No. 20 on Third Reading.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Small
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

## Absent—Excused.

Brownlee

The President laid S. B. No. 20 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

## Absent—Excused.

Brownlee.

## Senate Bill No. 343 on Passage to Engrossment.

Senator Pace called up from the President's table, on its passage to engrossment (the bill having been read second time on March 30, 1937, and having been laid on the table subject to call on that day):

S. B. No. 343, A bill to be entitled "An Act to amend Section 14 of Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature; to amend Sections 4, 5, 7, 8 and 18, Chapter 282, S. B. No. 82, Acts of the Regular Session,



Forty-first Legislature as amended by Chapter 174, S. B. No. 279, Acts of the Regular Session of the Forty-second Legislature; to repeal Section 6 of Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature, as amended by Chapter 174, S. B. No. 279, Acts of the Regular Session of the Forty-second Legislature; providing for the public sale of oil and gas in and on University lands by the board for, etc."

The President laid the bill before the Senate, and it was passed to engrossment.

**Senate Bill No. 343 on Third Reading.**

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 343 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid S. B. No. 343 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Beck.	Isbell.
Burns.	Lemens.
Collie.	Moore.
Cotten.	Neal.
Davis.	Nelson.
Head.	Newton.
Holbrook.	Ongal.

Pace.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Roberts.	Weinert.
Shivers.	Winfield.
Small.	Woodruff.

Nays—4.

Aikin.	Spears.
Hill.	Westerfeld.

Absent—Excused.

Brownlee.

**Reason for Votes.**

We voted against S. B. 343 because it ratifies the extension of leases executed, prior to passage of this Act.

HILL,  
SPEARS,  
WESTERFELD.

**Senate Bill No. 158 on Second Reading.**

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 158, A bill to be entitled "An Act amending Article 535, R. C. S. Texas, 1925; providing shares transferable only on corporation's books; imposing a duty on officers to transfer; repealing Article 1344, R. C. S. Texas, 1925; providing that this Act shall become the law and be effective only if, as, and when the Senate Joint Resolution No. 9 of the Forty-fifth Legislature shall have been adopted as an amendment to the Constitution of Texas; providing a savings clause; declaring the policy, and declaring an emergency"

The President laid the bill before the Senate and it was read second time.

Senator Rawlings offered the following amendment to the bill:

Amend S. B. No. 158 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 535, R. C. S., Texas, 1925, be amended so as to hereinafter read as follows:

"Shares of stock in any bank, savings bank or bank and trust com-

pany organized under the laws of the State of Texas shall be transferable only on the books of the corporation, and it shall be the duty of the officers of the corporation to make such transfer upon the books at the request of the transferor or transferee."

Sec. 2. That Article 455, R. C. S., Texas, 1925, is hereby repealed and nullified.

Sec. 3. That Article 380, R. C. S., Texas, 1925, be amended so as to hereinafter read as follows:

"The Board shall carefully examine the articles of association and said Board shall inform itself as to the public necessity of the business of the community in which it is sought to establish the same, and to determine whether its capital is commensurate with the requirements of law, and the location of the business, and that the applicants are acting in good faith."

Sec. 4. This Act of amendments of Articles 535 and 380 and of repeal of Article 455 insofar as they affect the liability of shareholders in corporations having banking or discount privileges, shall be entirely prospective in effect and shall not apply to any such corporate body as may have ceased to transact its regular corporate business prior to the effective date hereof, but as to such corporation the rights of its creditors and the liability of its shareholders are saved from this Act, and shall be governed by the law as it existed at the time of such closing.

Sec. 5. This Act shall take effect and become a law if and when Senate Joint Resolution No. 9 of the Forty-fifth Legislature shall have been adopted as an amendment to the Constitution of Texas.

Sec. 6. If any sentence, phrase, paragraph, or section of this Act shall be invalid, then such invalid portion shall not in any way affect the remainder of this Act, and it is hereby declared as the legislative intent that the remainder of this Act would have been passed by the Legislature, notwithstanding the invalidity of such sentence, phrase, paragraph, or section.

Sec. 7. The fact that the Congress of the United States has seen fit to repeal the double liability imposed upon stockholders in national banking associations, effective July

1, 1937; the fact that state, as well as national banking institutions, are eligible for membership in the Federal Depositors Insurance Corporation; the fact that ninety-five per cent (95%) of the depositors in State banks are so insured; the fact that the resources of the Reconstruction Finance Corporation have been made available to State, as well as national banking institutions; the fact that a liability is imposed upon stockholders in State banking institutions, which is not imposed upon stockholders in ordinary private corporations, in national banks and in state banking institutions in many other states, tends to discourage investments in the stock of State banking institutions, imposes an undue hardship and burden upon the stockholders thereof, and creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and said rule is so suspended, and this Act shall take effect and be in force from and after the time provided for in Section 5 hereof, and it is so enacted.

The amendment was adopted.

Senator Rawlings offered the following amendment to the bill:

Amend S. B. No. 158 by striking out all above the enacting clause and inserting in lieu thereof the following:

#### Preamble.

Whereas, By virtue of S. J. R. No. 9, of the Forty-fifth Legislature, there is to be submitted to the qualified voters of Texas an amendment to the Constitution of Texas for the purpose of determining whether or not the double liability imposed upon the personal liability of stockholders in State banks to a sum equal to the par value of their stock shall be eliminated; and

Whereas, In the event of the adoption of said proposed amendment and said double liability is eliminated, it is essential that the laws of the State of Texas be in conformity therewith; and

Whereas, The Legislature has heretofore enacted certain statutes, to-wit, Articles 535, 455, and 380, R. C. S., Texas, 1925, imposing double liability on stockholders in

banks, savings banks, and bank and trust companies; and

Whereas, In the event of the adoption of said proposed amendment, the action of the qualified electors of this State would in effect be nullified by existing statutes; and

Whereas, The proposed constitutional amendment will be acted upon by the people of Texas at a time when the Legislature of the State of Texas is not in session; and in order to avoid the tremendous expense incident to the convening of a Special Session of the Legislature and to avoid the necessity of the Governor re-convening a Special Session of the Legislature, in the event of the adoption of said proposed amendment, and to make sure that the statutes will not conflict with the expressed will of the electors upon the adoption of said proposed amendment, it is declared to be the intent of the Legislature that the hereinafter bill be in full force and effect upon the adoption of said proposed amendment and effective only in such event.

A BILL  
to be entitled

An Act amending Article 535, R. C. S., Texas, 1925; providing shares transferable only on corporation's books; imposing a duty on officers to transfer; repealing Article 455, R. C. S., Texas, 1925; amending Article 380, R. C. S., Texas, 1925; providing investigation of articles of association; providing a determination of the public necessity of business in community where sought to be established; providing determination of capital being commensurate with law and location; providing determination of good faith of applicants; providing for Act to be prospective in effect; providing that stockholders in banking corporations which have ceased operation as such be governed by law existing at time of closing; providing that this Act shall become law and be effective only, if, as, and when S. J. R. No. 9, Forty-fifth Legislature, shall have been adopted as an amendment to the Constitution of Texas; providing a savings clause; declaring the policy, and declaring an emergency.

The amendment was adopted.

S. B. No. 158 was then passed to engrossment.

Senate Bill No. 158 on Third  
Reading.

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 158 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President laid S. B. No. 158 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

**Senate Bill No. 365 on Second Reading.**

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 365. A bill to be entitled "An Act appropriating the sum of \$150,000.00 to the Texas State Employment Service for the purpose of maintaining public employment offices provided for under Acts 1935, Forty-fourth Legislature, Regular Session, Chapter 236, page 552, and as amended by Acts Third Called Session Forty-fourth Legislature, Chapter 482, Section 12, for the balance of the fiscal year ending August 31, 1937; and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Redditt offered the following (committee) amendments to the bill:

(1)

Amend S. B. No. 365 by striking out words or figures of \$150,000.00 wherever they appear and substituting in lieu thereof \$80,000.00.

(2)

Amend S. B. No. 365 by adding a new Section to be known as Section \_\_\_\_\_, to read as follows:

Sec. \_\_\_\_ No salaries shall be paid out of funds herein appropriated in excess of the salaries now paid under the previous appropriation Act of the Legislature for the same purposes.

The (committee) amendment (1) was adopted.

On motion of Senator Redditt, the (committee) amendment (2) was tabled.

S. B. No. 365 was then passed to engrossment.

**Senate Bill No. 365 on Third Reading.**

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be

suspended and that S. B. No. 365 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Onéal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President laid S. B. No. 365 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Nays—1.

Collie.

Absent—Excused.

Brownlee.

**House Bill No. 721 on Second Reading.**

On motion of Senator Roberts, and by unanimous consent, the regular order of business was suspended to take up and have placed on its sec-

ond reading and passage to third reading:

H. B. No. 721, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 721, Section 1 after the words and figures "twenty-five thousand, four hundred (25,400)" by adding the following:

"and in counties having a population of not less than ten thousand, nine hundred seventy-five (10,975) and not more than ten thousand, nine hundred eighty-five (10,985)."

The amendment was adopted.

H. B. No. 721 was passed to third reading.

#### House Bill No. 721 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 721 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President laid H. B. No. 721 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

#### Senate Bill No. 83 on Second Reading.

On motion of Senator Shivers, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 83, A bill to be entitled "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Health Officer to define and fix the specifications for certain grades of milk and milk products as defined in the Act; authorizing the State Health Officer and his representatives to supervise and regulate the labeling of milk and milk products; enabling cities and counties to require all milk sold within their boundaries to be graded and labeled; forbidding the use of certain grade labels except under certain conditions and providing penalties and remedies for violation of said provisions; forbidding the use of grade labels or other designs or device misrepresenting the contents of any container of milk or milk products; providing remedies and penalties for the enforcement of this Act; provided that if any portion of the Act be held inoperative or invalid the remainder of the Act shall be unaffected thereby and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 83 on Third Reading.**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 83 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid S. B. No. 83 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Nays—1.

Aikin.

Absent—Excused.

Brownlee.

**Senate Bill No. 452 on Second Reading.**

On motion of Senator Small, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 452, A bill to be entitled "An Act creating a more efficient road law for Parmer County, Texas, authorizing the commissioners' court to require surety bonds of road overseers, validating certain time warrants and the proceedings heretofore had by the county and by its officials in reference to the issuance of certain time warrants for the purchase of rights-of-way, authorizing the commissioners' court of said county to issue serial coupon bonds of said county in the funding of said time warrants, and to levy all or any part of the Fifteen Cents special road and bridge maintenance tax of said county for payment of said bonds; providing that if any part of this Act shall be declared unconstitutional, such holding shall not impair or invalidate other parts of this Act; and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

**Senate Bill No. 452 on Third Reading.**

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 452 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

**Absent—Excused.**

Brownlee.

The President then laid S. B. No. 452 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30.**

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

**Absent—Excused.**

Brownlee.

**Senate Bill No. 454 on Second Reading.**

Senator Spears moved that the constitutional rule requiring bill to be read on three several days be suspended and that S. B. No. 454 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

**Absent—Excused.**

Brownlee.

The President then laid S. B. No.

454 before the Senate on its second reading and passage to engrossment.

On motion of Senator Spears, and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 454 on Third Reading.**

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 454 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30.**

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

**Absent—Excused.**

Brownlee.

The President laid S. B. No. 454 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30.**

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

## Absent—Excused.

Brownlee.

**House Bill No. 130 on Second Reading.**

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 130, A bill to be entitled "An Act to give the right of eminent domain to certain conservation and reclamation districts to enable them to acquire by condemnation land on which cemeteries are located under certain conditions, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Stone, and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally to permit consideration of the bill at this time.

The bill was read second time.

Senator Oneal offered the following amendment:

Amend H. B. No. 130 by adding at the end of Section 2 the following: "to such other place as the nearest relatives of the deceased person may desire to inter such body, and the amount necessary for re-interment."

The amendment was adopted.

H. B. No. 130 was passed to third reading.

**House Bill No. 130 on Third Reading.**

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 130 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28.

Beck.	Moore.
Burns.	Neal.
Cotten.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Pace.
Holbrook.	Rawlings.
Isbell.	Redditt.
Lemens.	Roberts.

Shivers.  
Small.  
Spears.  
Stone.  
Sulak.

Van Zandt.  
Weinert.  
Westerfeld.  
Winfield.  
Woodruff.

## Nays—2.

Aikin.

Collie.

## Absent—Excused.

Brownlee.

The President then laid H. B. No. 130 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28.

Beck.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

## Nays—2.

Aikin.

Collie.

## Absent—Excused.

Brownlee.

**House Bill No. 809 on Second Reading.**

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 809, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Colorado County for the purpose of taking any fur bearing animals for a period of two years; providing certain exceptions; repealing all laws in so far they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

The President laid the bill before the Senate, it was read second time, and was passed to third reading.



**House Bill No. 809 on Third Reading.**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 809 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid H. B. No. 809 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

(Senator Head in the Chair.)

**House Bill No. 213 on Second Reading.**

On motion of Senator Van Zandt and by unanimous consent, the regu-

lar order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 213, A bill to be entitled "An Act amending Article 4725 of the Revised Civil Statutes of 1925, as amended Acts, 1935, Forty-fourth Legislature, page 28, Chapter 10; designating the securities in which the funds of life insurance companies may be invested; providing that life insurance companies may invest funds in interest bearing notes or bonds of the University of Texas, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 213 on Third Reading.**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 213 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The Presiding Officer then laid H. B. No. 213 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Burns.
Beck.	Collie.

Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Oneal.	Winfield.
Pace.	Woodruff.

Absent—Excused.

Brownlee.

**House Bill No. 749 on Second Reading.**

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 749, A bill to be entitled "An Act amending Article 3933 of the Revised Civil Statutes of Texas, fixing the fees for sheriffs and constables in serving processes in all civil matters, and repealing Article 3936 of the Revised Civil Statutes of Texas, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 749 on Third Reading.**

Senator Weinert moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 749 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Moore.
Beck.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Pace.
Head.	Rawlings.
Hill.	Redditt.
Holbrook.	Roberts.
Isbell.	Shivers.
Lemens.	Small.

Spears.	Weinert.
Stone.	Westerfeld.
Sulak.	Winfield.
Van Zandt.	Woodruff.

Absent—Excused.

Brownlee.

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

**Senate Bill No. 87 on Second Reading.**

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 87, A bill to be entitled "An Act amending Chapter II of Title 49 of the Revised Civil Statutes of 1925, by adding thereto a new article to be known as Article 2688c, fixing the qualifications of persons voting at any election for the office of county superintendent of schools in counties having a population of more than 320,000 and less than 350,000 and fixing the qualifications for the office of county superintendent of schools in such counties and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Moore offered the following amendment to the bill:

Amend the bill by adding after the word "herewith" in Section 2 the following:

"Insofar as and only insofar as they apply to counties having a population of more than 320,000 and less than 350,000 by the last preceding or future Federal Census."

(President in the chair.)

The amendment was adopted.  
S. B. No. 87 was passed to engrossment.

#### Senate Bill No. 87 on Third Reading.

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 87 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President laid S. B. No. 87 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—16.

Aikin.	Neal.
Burns.	Oneal.
Collie.	Roberts.
Davis.	Shivers.
Hill.	Spears.
Holbrook.	Sulak.
Lemens.	Westerfeld.
Moore.	Winfield.

Nays—9.

Cotten.	Small.
Isbell.	Stone.
Pace.	Weinert.
Rawlings.	Woodruff.
Redditt.	

Present—Not Voting.

Van Zandt.

Absent.

Beck.	Nelson.
Head.	Newton.

Absent—Excused.

Brownlee.

#### Senate Bill No. 106 on Second Reading.

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 106, A bill to be entitled "An Act repealing House Bill No. 51, Chapter 9, passed by the Forty-third Legislature, at its First Called Session, creating the Bank Deposit Insurance Company, authorizing the liquidation of the affairs of the Bank Deposit Insurance Company; providing a method and a jurisdiction for such liquidation; providing for the right of objection upon the part of any person aggrieved and authorizing a hearing thereon; providing for appeal and writ of error; and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

#### Senate Bill No. 106 on Third Reading.

Senator Winfield moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 106 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Davis.
Beck.	Head.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Isbell.

Lemens.	Shivers.
Moore.	Small.
Neal.	Spears.
Nelson.	Stone.
Newton.	Sulak.
Oneal.	Van Zandt.
Pace.	Weinert.
Rawlings.	Westerfeld.
Redditt.	Winfield.
Roberts.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

#### House Bill No. 718 on Second Reading.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 718. A bill to be entitled "An Act conveying the title of the State of Texas to lot No. 3, block 1, in the R. T. Mulcahy's Addition to the town of Rosenberg, Fort Bend County, Texas, acquired by the State under tax sale, to the Rosenberg Gin Company, a Texas corporation, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 718 on Third Reading.

Senator Woodruff moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 718 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

#### Report of Conference Committee on House Bill No. 321.

Senator Pace submitted the following report of the Conference Committee on H. B. No. 321:

Austin, Texas, April 7, 1937.  
 Hon. Walter F. Woodul, President  
 of the Senate, and  
 Hon. R. W. Calvert, Speaker of the  
 House of Representatives.

Gentlemen: We, your Conference  
 Committee, on H. B. No. 321, after  
 careful consideration, have reached  
 an agreement on said bill and here-  
 with submit the attached conference  
 report on this bill and recommend its  
 adoption.

Respectfully submitted,

PACE,  
 REDDITT,  
 DAVIS,  
 WOODRUFF,  
 SHIVERS.

On the part of the Senate.

MOFFETT,  
 BOND,  
 BLANKENSHIP,  
 LEONARD,  
 HOLLAND.

On the part of the House.

By Moffett. H. B. No. 321.

A BILL  
 to be entitled

An Act amending Chapter 141, Acts,  
 Fortieth Legislature, Regular Ses-  
 sion, as amended by Chapter 246,  
 Acts, Forty-second Legislature,  
 Regular Session, creating the Of-  
 fice of the Veterans' State Service  
 Office attached to the Adjutant  
 General's Department; providing  
 for the appointment of a Veterans'  
 State Service Officer and certain  
 Assistant Veterans' State Service  
 Officers, and other necessary per-  
 sonnel; defining the qualifications,  
 authority, and duties of such offi-  
 cers; fixing and authorizing pay-  
 ment of their salaries, travel, and  
 other expenses; providing that the  
 main office shall be located in  
 Austin, Travis County, Texas; pro-  
 viding for seal of office; repealing  
 all laws and parts of laws in con-  
 flict therewith; providing a sav-  
 ing clause, and declaring an  
 emergency.

Be it enacted by the Legislature of  
 the State of Texas:

Section 1. Chapter 141, Acts,  
 Fortieth Legislature, Regular Ses-  
 sion as amended by Chapter 246,  
 Acts, Forty-second Legislature, Reg-  
 ular Session, is hereby amended so  
 as to hereafter read as follows:

"Section 1. There is hereby cre-  
 ated the Office of Veterans' State  
 Service Office of the State of Texas  
 to be composed of a Veterans' State  
 Service Officer, who shall receive a  
 salary of not to exceed Three Thou-  
 sand (\$3000) Dollars per annum, to  
 be paid in twelve (12) equal monthly  
 installments, and such Assistant Vet-  
 erans' State Service Officers as shall  
 hereafter be appointed, each Assis-  
 tant Veterans' State Service Officer  
 stationed at each Regional Office  
 and/or combined Facility of the  
 United States Veterans' Administra-  
 tion shall receive a salary of not to  
 exceed Twenty-two Hundred (\$2200)  
 Dollars per annum payable in twelve  
 (12) equal monthly installments,  
 and each of the other Assistant Vet-  
 erans' State Service Officers shall  
 receive a salary of Eighteen Hun-  
 dred (\$1800) Dollars per annum,  
 payable in twelve (12) equal  
 monthly installments, and such of-  
 fice personnel as shall hereafter be  
 employed, at such salaries as shall  
 be fixed by the Legislature, to be  
 attached to the Adjutant General's  
 Department of the State of Texas.  
 All salaries, travel and other ex-  
 penses to be paid by warrants ap-  
 proved by the Adjutant General.

"Sec. 2. The Legislature, in its  
 regular biennium appropriation bill,  
 shall determine the number of As-  
 sistant Veterans' State Service Offi-  
 cers, and such additional employees  
 as may be determined to be neces-  
 sary, and when so determined, the  
 Adjutant General, with the advice  
 and consent of the Governor, shall  
 make such appointments, who shall  
 be appointed to serve for a term of  
 two (2) years, commencing at the  
 beginning of the biennium, and shall  
 serve for said biennium unless re-  
 moved for cause.

"In no event shall any officer or  
 employee be appointed unless au-  
 thorized in the regular biennium ap-  
 propriation bill.

"Such Veterans' State Service Of-  
 ficer and such Assistant Veterans'  
 State Service Officers shall be quali-  
 fied by education and training for  
 the duties of such offices. They shall  
 be experienced in the law, regula-  
 tions, and rulings, of the United Vet-  
 erans' Administration controlling the  
 cases coming before them and shall  
 themselves have served in the active

military, naval, or other armed forces, or nurses' corps, of the United States at sometime during the period between April 6, 1917, and November 11, 1918, and have been honorably discharged therefrom. Such persons shall have had at least two (2) years experience as a service officer in a nationally recognized Veterans' organization engaged in service work to War Veterans, as such term is defined by the United States Veterans' Administration, either as a Post, State, Department or National Service Officer which shall be evidenced by a Statement of Qualifications filed by the individual seeking appointment, with the Adjutant General, upon forms supplied by the Adjutant General, which shall be certified to by the State Commander of the Veterans' organization to which such applicant shall belong and a certificate issued by the United States Veterans' Administration showing that applicant is authorized to appear on behalf of claimants before the rating boards and/or other boards and/or Departments of the United States Veterans' Administration. Such Statement of Qualifications and supporting certificates shall be filed with the Adjutant General fifteen (15) days before said appointments are made, and the filing thereof shall be a condition precedent to appointment.

"Sec. 3. The duties of the Veterans' State Service Officer and the Assistant Veterans' State Service Officers of the State of Texas shall be to aid all residents of the State of Texas who served in the military, naval or other armed forces or nurses' corps, of the United States of America during any war or peace time enlistment, and/or widows and/or orphans, and/or dependents in preparing, submitting and presenting any claim against the United States, or any State, for compensation, hospitalization, insurance or other aid or benefits to which they may be entitled under existing laws of the United States, or any State, or such laws as may hereafter be enacted, pertinent thereto. It shall also be their duty to aid the United States Government, or any State, to defeat all unjust claims of veterans that may come to their attention. No fees, either directly or indirectly

for any service rendered by such Veterans' State Service Officer or Assistant Veterans' State Service Officers, shall be charged applicant, nor shall they permit the payment of any fee by applicant to any third person for any services that might be rendered by them.

"Sec. 4. The headquarters of the Veterans' State Service Office shall be in Austin, Travis County, Texas. The home stations of Assistant Veterans' State Service Officers shall be, one at each Regional Office and/or combined Facility of the United States Veterans' Administration in Texas, and at such places in the State of Texas as the Adjutant General shall direct. Such officers shall travel on orders from the Adjutant General and shall submit such reports in writing as may be required by the Adjutant General.

"Sec. 5. Said officers shall have a seal of office and shall be authorized to administer oaths in the proper performance of their duties and such officers shall be given official entry into the records of the eleemosynary and penal institutions of the State of Texas, under the rules and regulations of the Board of Control governing eleemosynary institutions and under the rules and regulations of the Texas Prison Board governing the Texas prison system for the purpose of determining the status of any person confined therein as regards to any benefit to which such person may be entitled.

"Sec. 6. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 7. If any section, sentence, clause, or part of this Act shall for any reason be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid."

Sec. 2. Because of the fact that there are thousands of ex-service men in the State of Texas, who are justly entitled to benefits under the present Federal Laws, including disability compensation, pensions, and hospitalization, who are not now re-

ceiving same, due largely to the fact that they are scattered in various places over the State and do not have access to relevant and proper information concerning provisions of said Federal Laws and since this condition is depriving said veterans of benefits to which they are justly entitled in the amount of thousands of dollars annually, which condition could be corrected by the early passage of this bill, thus there is created an emergency and imperative public necessity that requires the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

**Report of Conference Committee  
on House Bill No. 150.**

Senator Stone submitted the following report of the conference committee on H. B. No. 150:

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of the Senate, and  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 150, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

Respectfully submitted,

REDDITT,  
SHIVERS,  
STONE,  
BECK,  
ROBERTS.

On the Part of the Senate.

QUINN,  
HANKAMER,  
NICHOLSON,  
McDONALD,  
METCALFE.

On the Part of the House.

By Quinn, McFarland, Nicholson,  
McDonald and McKee.

**A BILL  
To Be Entitled**

**An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease at public auction for oil, gas,**

**sulphur and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to use or invest funds accruing from the lease or sale of oil, gas, sulphur, and other minerals, prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; providing for setting up any funds accruing as a permanent fund and appropriating the income therefrom; providing that in leasing lands operated as experimental stations that the lease shall provide certain restrictions therein, and provide that the lessee of any of the experimental stations lands shall so conduct the operations as not to interfere with the Agricultural and Mechanical College operations as an experimental station, and providing that the State shall continue to operate said station and/or farm for experimental purposes while same is being operated for the development of oil or other minerals, and providing that if any part of this law shall be declared unconstitutional it shall not affect the remainder of the law, making an appropriation to defray the expenses of said Board in executing the provisions of this Act, and declaring an emergency.**

**Be it enacted by the Legislature of the State of Texas:**

**Section. 1. That the Board of Directors of the Agricultural and Mechanical College of Texas is hereby authorized and empowered to lease for oil and/or gas and/or sulphur and/or other minerals development to the highest bidder at public auction all lands used for experimental stations and all other lands under its exclusive control or any part thereof now owned by the State of Texas and acquired for the use of the Agricultural and Mechanical College of Texas and its divisions or that may hereafter be acquired for the use of the Agricultural and Mechanical College of Texas and its divisions. Any amounts received under and by virtue of this Act shall be deposited in the State Treasury to the credit of a special fund to be known as the "Agricultural and Mechanical College of Texas Special Mineral Fund," and any funds placed therein shall**

be appropriated by the Legislature of the State of Texas in its regular biennial appropriation bill exclusively for the Agricultural and Mechanical College of Texas and its branches or divisions; provided, the amounts received as bonuses and rentals between the effective date of this Act and August 31, 1937, are hereby appropriated to the Agricultural and Mechanical College of Texas to be expended as may be deemed proper by the Board of Directors of said College; provided, however, that the amounts received prior to August 31, 1937 as bonus money and rental money from leases of the land embraced in Experimental Station No. 4, located in Senatorial District No. 4, may be expended by the Board for the necessary improvements and maintenance of Experimental Station No. 4, and the Board is authorized to expend whatever amount they may deem necessary for improvements, livestock and maintenance of the Pineywoods Livestock Experimental Station in Senatorial District No. 4; provided, however, that any royalties received shall be placed in the special fund provided. All moneys realized from royalties accruing under the terms of this Act shall be used exclusively for the purpose of creating a permanent improvement fund, the income from which shall be expended under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas in erecting permanent improvements for the College and its branches and divisions.

Sec. 2. The Board is hereby authorized to cause said lands to be surveyed or subdivided into such tracts, lots or blocks as will, in their judgment, be most conducive and convenient to facilitate the advantageous sale of lease for oil, gas, sulphur, and/or other minerals thereof and to make such maps and plats as may be thought necessary to carry out the purposes of this Act. The Board is further authorized to obtain authentic abstracts of title to all of said lands as they may deem necessary from time to time and to take such steps as may be necessary to perfect a merchantable title to said lands in the State of Texas.

Sec. 3. Whenever, in the opinion of the Board, there shall be such a demand for the purchase of oil, gas, sulphur or other mineral leases on any tract or part of any tract of

land as will reasonably insure an advantageous sale, the Board shall place such oil, gas, sulphur or other mineral leases on said land on the market in such tract or tracts, or any part thereof, as the Board may designate. It shall cause to be advertised a brief description of the land from which the oil, gas, sulphur or other minerals is proposed to be leased. Such advertisement shall be made by inserting in two or more papers of general circulation in this state and in addition the Board may, in its discretion, cause said advertisement to be placed in an Oil & Gas journal published in and out of the state, and also mail copies of such proposals to the county judge of the county where said lands are located, and mail copies of such proposals to such other persons as the Board might think would be interested therein.

The Board may sell the lease or leases to the highest bidder at public auction at the Agricultural and Mechanical College of Texas, College Station, Texas, at any hour between 10:00 A. M. and 5:00 P. M. The Board shall have the right to reject all bids. However, the highest bidder shall pay to the Board on the day of the sale twenty-five percent (25%) of the bonus bid and the balance of the bid shall be paid to the Board within twenty-four (24) hours after being notified that the bid has been accepted. Payments shall be paid in cash, certified check or cashier's check, as the Board may direct; provided, the failure to pay the balance of the amount bid will forfeit to the Board the twenty-five percent (25%) paid.

Sec. 4. A separate bid shall be made for each tract or subdivision thereof. No bids shall be accepted which offer a royalty of less than one-eighth ( $\frac{1}{8}$ th) of the gross production of oil, gas, sulphur and other minerals in the land bid upon and this minimum royalty may be increased at the discretion of the Board. Every bid shall carry the obligation to pay an amount not less than one dollar (\$1.00) per acre for delay in drilling or development; such amount to be fixed by the Board in advance of the advertisement and shall be paid every year for five (5) years unless in the meantime production in paying quantities is had upon



the land or said land is released by the lessee.

Sec. 5. If in the opinion of the Board any one of the bidders shall have offered a reasonable and proper price for any tract and not less than the price fixed by the Board, the lands advertised may be leased for oil, gas, sulphur and/or other mineral purposes under the terms of this Act, and such regulations as the Board may prescribe, not inconsistent with the provisions of this Act. In the event no bid is accepted by the Board at public auction any subsequent procedure for the sale of oil and/or gas and/or sulphur and/or other mineral leases shall be in the manner above provided. Provided that no lease for oil, gas, sulphur, and/or other minerals shall be made by said Board which will permit the drilling or mining for oil and/or gas and/or sulphur and/or other minerals within less than three hundred (300) feet of any building on said land, without the consent of the Board, and further providing that in making any lease on any experimental station and/or farm the lease shall provide that the operations for oil, gas, and other minerals shall not in any way interfere with the land as an experimental station and shall not cause the abandonment of said property or its use for experimental farm purposes, and the lessee operating said property shall drill and carry on his operations in such a way as not to cause the abandonment of said property for experimental farm purposes and any such leased property shall be subject to the use by the State of Texas for all experimental purposes and said Board shall continue to operate said experimental station.

Sec. 6. If the Board shall determine that a satisfactory bid has been received for said oil, gas, sulphur and/or other mineral lands it shall accept the same and reject all other bids and file said accepted bid in the General Land Office. Whenever the royalties shall amount to as much as the yearly payments as fixed by the Board, the yearly payments may be discontinued. If before the expiration of five years oil and/or gas and/or sulphur and/or other minerals shall not have been produced in paying quantities, the lease shall terminate, unless extended as hereinafter provided.

Sec. 7. (a) If the Board shall determine that a satisfactory bid has been received for said oil, gas, sulphur and/or other minerals, it will make an award to the bidder offering the highest price therefor, and a lease shall be filed in the General Land Office.

(b) The exploratory term of the lease as determined by the Board prior to the promulgation of the advertisement shall in no case exceed five (5) years, and each lease shall provide that the lease will terminate at the expiration of its exploratory term unless by unanimous vote of members of the Board such lease may be extended for a period of three (3) years, which lease may be extended where the Board finds that there is likelihood of oil, gas, sulphur and/or other minerals being discovered thereon by lessees, and that such lessees have proceeded with diligence to protect the interest of the State; provided, however, that if oil, gas, sulphur and/or other minerals is being produced in paying quantities from the premises, said lease shall continue in force and effect as long as such oil, gas, sulphur and/or other minerals are being so produced. Provided, that no extension hereunder may be made by the Board until the last thirty (30) days of the original term of the lease. The lease shall include such additional provisions and regulations as the Board may prescribe to preserve the interest of the State, but not inconsistent with the provisions of this Act.

(c) Whenever in the discretion of said Board, it is deemed for the best interest of the State to extend a lease issued by said Board, the Board is hereby granted and given full authority by unanimous vote to extend said lease for a period not to exceed three (3) years, upon the condition that the lessee shall continue to pay yearly rental as provided in the lease and such additional terms as the Board may see fit and proper to demand. The Board is hereby given full authority to extend such lease and execute an extension agreement therefor.

Sec. 8. If, during the term of any lease issued under the provisions of this Act, the lessee shall be engaged in actual drilling operations for the discovery of oil, gas, sulphur and/or

other minerals on land covered by any such lease, no rentals shall be payable as to the tract on which such operations are being conducted so long as such operations are proceeding in good faith; and in the event oil, gas, sulphur and/or other minerals are discovered in paying quantities on any tract of land covered by any such lease, then the lease as to such tract shall remain in force so long as oil, gas, sulphur and/or other minerals are produced in paying quantities from such tract. In the event of the discovery of oil, gas, sulphur and/or other minerals on any tract covered by a lease issued hereunder or on any land adjoining same, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by such lease to properly develop the same, to the extent that a reasonably prudent operator would do under the same and similar circumstances.

Sec. 9. Title to all rights purchased may be held by the owners so long as the area produces oil, gas, sulphur and/or other minerals in paying quantities. All rights purchased may be assigned. All assignments shall be filed in the General Land Office within one hundred days from the date of the first acknowledgment thereof, accompanied by ten cents per acre for each acre assigned and if not so filed and payment made, the assignment shall not be effective. All rights to any whole tract or to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated, and filed with the Chairman of the Board accompanied with one dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations therefore accrued thereon. The Board shall authorize the laying of pipe line, telephone line, and the opening of such roads as may be deemed reasonably necessary for and incident to the purpose of this Act.

Sec. 10. If oil or other minerals are developed on any of the lands leased by the Board, the royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, on or before the 20th day

of each succeeding month for the preceding month during the life of the rights purchased, and be set aside in the State Treasury as specified in Section 1 hereof, and said funds may be used as therein provided. Said royalty paid to the General Land Office as above stipulated shall be accompanied by the sworn statement of the owner, manager, or other authorized agent showing the gross amount of oil, gas, sulphur and/or other minerals produced and saved since the last report and the amount of oil, gas, sulphur and/or other minerals produced and sold off the premises and the market value of the oil, gas, sulphur and/or other minerals together with a copy of all daily gauges, or vats, tanks, gas meter readings, pipe line receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipe lines, tanks, vats, or pool and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, vats, pools, meters, pipe lines, and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil, gas, sulphur and/or other minerals shall at all times be subject to inspection and examination of any member of the Board of Directors of the Agricultural and Mechanical College of Texas or any duly authorized representative of said Board. The Commissioner of the General Land Office shall tender to the Board of Directors of the Agricultural and Mechanical College of Texas at the close of each month a report of all receipts from the lease or sale of oil, gas, sulphur and/or other minerals turned into the special fund in the State Treasury.

Sec. 11. In every case where the area in which oil, gas, sulphur and/or other minerals sold shall be contiguous or adjacent to lands which are not lands belonging to and held by the Agricultural and Mechanical College of Texas, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner thereof to adequately protect the land leased from drainage from said adjacent lands to the extent that a reasonably prudent operator would do under the same and similar circumstances. In cases where the area in which the oil, gas, sulphur and/or other minerals are sold is

contiguous to other lands belonging to and held by the Agricultural and Mechanical College of Texas which have been leased or sold at a lesser royalty, the owner shall likewise protect said land from drainage from the lands so leased or sold for a lesser royalty. Upon failure to protect the land from drainage as herein provided the sale and all rights thereunder may be forfeited by the Board in the manner elsewhere provided for forfeitures.

Sec. 12. If the owner of the rights acquired under this Act shall fail or refuse to make the payments of any sum due thereon, either as rental or royalty on the production, within thirty (30) days after the same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling or mining or if such owner shall fail or refuse to drill any off-set well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to the operations under this Act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the Board by an order entered upon the minutes of the Board reciting the facts constituting the default, and declaring the forfeiture. The Board may, if it so desires, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the lease may, at the discretion of the Board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon oil, gas, sulphur and/or other minerals produced upon the leased area, and upon all rigs, tanks, vats, pipe lines, telephone lines, and machinery and appliances used in the production and handling of oil and/or gas

and/or sulphur and/or other minerals produced thereon, to secure any amount due from the owner of the said lease.

Sec. 13. All surveys, files, records, copies of sale and lease contracts and all other records pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all royalties, lease fees, rentals for delay in drilling or mining and all other payments, including all filing assignments and relinquishment fees hereunder, to be deposited in the special fund in the State Treasury to the credit of the Agricultural and Mechanical College of Texas as above provided.

Sec. 14. The Board shall adopt proper forms and regulations, rules and contracts as will in its best judgment protect the income from lands leased hereunder. A majority of the Board shall have power to act in all cases, except where otherwise herein provided. The Board may reject any and all bids and shall have the further right to withdraw any lands advertised for lease.

Sec. 15. The expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer, and for that purpose the sum of Two Thousand Dollars (\$2000.) or so much thereof as may be necessary is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated until September 1, 1937, after which time expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer against the income from the special fund accumulated from leases, rentals, royalties, and other payments.

Sec. 16. If any Section, Subsection, paragraph, clause or sentence in this Act is declared to be unconstitutional, the same shall not affect the remaining portions of this Act.

Sec. 17. The fact that there is no law authorizing the sale of oil and/or gas and/or sulphur and/or other mineral leases on lands belonging to and held by the Agricultural and Mechanical College of Texas and its divisions acquired for special purposes, other than the University

lands, and the further fact that some of these lands have valuable mineral rights which, if properly conserved, would be of great financial benefit in furthering the purposes for which the land was acquired, or may be acquired, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

#### Adjournment.

On motion of Senator Shivers, the Senate, at 10:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, April 5, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Saturday, April 3, 1937:

H. B. No. 603:

Vote in Senate, yeas 23, nays 4.

Vote in House, yeas 113, nays 0.

Date signed by the Governor, April 3, 1937.

Assuring you of my sincere pleasure in performing this service, I am  
Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

##### Reports of Standing Committees.

Committee Room,

Austin, Texas, April 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 435, A bill to be entitled "An Act making an appropriation of \$20,000.00 to be used by the Attorney General for the purpose of pay-

ing costs and expenses in prosecuting the suit of the State of Texas for recovery of transfer, succession or inheritance tax against the Estate of Edward H. R. Green, under the provisions of Chapter 5, Title 122, Revised Civil Statutes of Texas, 1925, as amended, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, with committee amendment No. 1, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 196, A bill to be entitled "An Act providing for the relief of the Douglassville Common School District No. 20, Cass County, Texas, in order to aid said District in rebuilding and equipping its school that was destroyed by fire in December, 1935, making an appropriation to said district for said property, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 277, A bill to be entitled "An Act providing relief for the Old Glory Rural High Common School District No. 4 of Stonewall County, Texas, in replacing buildings and equipment destroyed by a disastrous fire on December 13, 1936; making an appropriation for said district to replace said buildings and equipment, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 5, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 280, A bill to be entitled "An Act authorizing, empowering, and directing the Board of County and District Road Indebtedness created by Chapter 13, Article 6674Q-1, et seq., Acts of the Third Called Session of the Forty-second Legislature, to make allowance to Henderson County, Texas, as a credit upon its outstanding road indebtedness of the amount of Sixty Thousand Six Hundred and Sixty-nine Dollars and Fifty-six Cents (\$60,669.56) and to increase the State aid effective as of January 1, 1933, to Henderson County, Texas, to make payment of such allowance, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 5, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 446, A bill to be entitled "An Act providing relief for the Timpson Independent School District, Shelby County, Texas, in order to aid said school to rebuild school building destroyed by fire; making an appropriation for said district, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 5, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 597, A bill to be entitled "An Act to amend Article 7009, Revised Civil Statutes of Texas, 1925, increasing the term of office for the members of the Live Stock Sanitary Commission of the State of Texas

from two (2) to six (6) years so that one term of office will expire each two (2) years; providing for the appointment of a chairman of said commission, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 452, A bill to be entitled "An Act creating a more efficient road law for Parmer County, Texas, authorizing the commissioners' court to require surety bonds of road overseers, validating certain time warrants and the proceedings heretofore had by the county and by its officials in reference to the issuance of certain time warrants for the purchase of rights-of-way, authorizing the commissioners' court of said county to issue serial coupon bonds of said county in the funding of said time warrants, and to levy all or part of the fifteen cents special road and bridge maintenance tax of said county for payment of said bonds; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 453, A bill to be entitled "An Act providing that if two or more persons with the wilful purpose and intent to force or require any owner, representative or manager of any premises or building in this State to do or to refrain from doing any act or thing whatsoever, shall wilfully enter on said premises or in said building or shall wilfully remain therein and shall refuse or

fail to leave said premises or building after being requested by the owner, representative or manager of said premises to do so, or if any person with such purpose and intent shall advise, counsel or assist any such person or persons to so enter or remain on said premises or in said building, each person so offending shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary for a term of years of not less than two nor more than five years; fixing venue and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STONE, Chairman.

Committee Room.

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 32, A bill to be entitled "An Act to prohibit the governing body of any incorporated city or town from advertising or soliciting bids on any so-called patented paving; requiring such cities and towns to adopt the same standard and specifications for paving used by the State Highway Department of the State of Texas, in conjunction with the Federal Government; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached be passed in lieu thereof, and be printed.

HEAD, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 454, A bill to be entitled "An Act providing for the appointment of grand jury bailiffs by the judge of the criminal district court in any county having a population of not less than two hundred and ninety

thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000) inhabitants, according to the United States Census of 1930 and all future Federal Census; providing for the salaries of said grand jury bailiffs, the method of payment, and the removal of said grand jury bailiffs; providing certain expenses to be allowed for travel and in connection with the use of the automobiles for official business by said grand jury bailiffs; repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 2, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 254, A bill to be entitled "An Act to amend Chapter 3, of Title 128, of the Revised Civil Statutes of Texas, of 1925, relating to water control and preservation districts by providing that lands in any such district lying within or adjoining the territorial limits of an incorporated city or town, which was not included in such district at time of the organization of such district, and which lands have been subdivided into town lots and blocks, with streets or other thoroughfares dedicated to the use of the public, and of which a map and such dedication has been duly filed for record with the county clerk of the county in which such lands are situated, may be discontinued as a part of such district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HILL, Chairman.

Committee Room,

Austin, Texas, April 2, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 861, A bill to be entitled

"An Act authorizing political subdivisions of the State of Texas to lease lands owned by such subdivisions for mineral development purposes and prescribing the method and manner of making such leases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 455, A bill to be entitled "An Act validating the detachment of certain territory from Orangedale Common School District No. 23 of Bee County and the annexation of same to the Beeville Independent School District of said county, pursuant to the provisions of Chapter 339, Acts of the Forty-fourth Legislature, Regular Session; validating an election held in said Orangedale Common School District No. 23 on the 19th day of December, 1936, to determine whether or not said territory should be detached from said Orangedale Common School District No. 23 and annexed to Beeville Independent School District; validating an order of the County Board of School Trustees of Bee County, Texas, establishing and defining the Beeville Independent School District No. 1; validating an election held on the 3rd day of April, 1937, in Beeville Independent School District No. 1 on the question of the assumption of the outstanding bonds of the former Beeville Independent School District and the proportionate part of the outstanding bonds of Orangedale Common School District No. 23; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, April 7, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 440,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 130, A bill to be entitled

"An Act declaring the use of lands for the creation of lakes and reservoirs to be superior to other purposes; providing for the right of eminent domain by conservation and reclamation districts, and other districts created under Section 59 of Article XVI of the Constitution of Texas for the purpose of controlling, storing, and conserving storm and flood waters of the rivers and streams in Texas; providing the procedure to be followed in such proceedings; prescribing the method of assessing damages, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 936, A bill to be entitled "An Act to amend Article 6699, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,  
Austin, Texas, April 2, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 240  
carefully examined and compared  
and find same correctly enrolled.  
WESTERFELD, Chairman.

Committee Room,  
Austin, Texas, April 6, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 435  
carefully examined and compared  
and find same correctly engrossed.  
ROBERTS, Chairman.

### FIFTY-THIRD DAY.

(Wednesday, April 7, 1937)

The Senate met at 10 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by President Woodul.

The roll was called and the follow-  
ing Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

The following Senator was absent  
and excused:

Brownlee.

A quorum was announced present.

The invocation was offered by the  
Chaplain.

Reading of the Journal of the pro-  
ceedings of yesterday was dispensed  
with, on motion of Senator Roberts.

### Leave of Absence Granted.

Senator Brownlee was granted  
leave of absence for today, on ac-  
count of important business, on mo-  
tion of Senator Lemens.

### Reports of Standing Committees.

Reports on House Bill No. 47,  
and H. J. R. No. 20, were submitted  
by the chairmen of the several com-  
mittees to which they were referred.  
(See appendix for reports in full.)

### Senate Bill No. 458 on First Reading.

The following bill, relating to an  
emergency matter submitted by the  
Governor, was introduced, read first  
time and referred to the Committee  
on Penitentiaries:

By Senator Collie:

S. B. No. 458, A bill to be entitled  
"An Act creating the Board of Par-  
dons and Paroles to consist of three  
members, in response to the Amend-  
ment to Section 11, Article 4, of  
the Constitution of the State of  
Texas, adopted November 3, 1936,  
prescribing its powers, duties and the  
procedure before it; providing it may  
make other rules of procedure not in  
conflict with this Act; providing for  
the appointment of its members; pre-  
scribing their qualifications, terms of  
office, the manner of their removal  
from office and filling vacancies; pro-  
viding for the appointment of a  
chairman by the Governor, defining  
his duties and fixing the time he  
shall serve as such; fixing the com-  
pensation of its members; providing  
for the payment of expenses of the  
members of the board and its stenog-  
raphers when away on official busi-  
ness; providing that a majority of  
the board shall constitute a quorum;  
designating place where the board  
shall maintain its offices; creating  
the office of executive secretary to  
the board, to be appointed by the  
board, prescribing his duties and fix-  
ing his salary; empowering the Gov-  
ernor to appoint non-paid county  
parole boards and citing their du-  
ties; providing for a parole super-  
visor and citing his duties; providing  
for probation officers to become pa-  
role officers; providing for applica-  
tions for clemency, restoration of  
citizenship, remission of fines and  
forfeitures, or protests against, shall  
contain certain information; estab-  
lishing the procedure to be followed  
before a petition for clemency, pa-  
role, remission of fine or forfeiture  
may be filed by the secretary of the  
board; providing for regular and  
special meetings of the board at the  
respective penitentiary units; defin-